

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

JUL 27 2009

U. S. DISTRICT COURT
W. DIST. OF N. C.

DOCKET NO. 3:03CR181-FDW

UNITED STATES OF AMERICA

vs.

ROBERT ANTHONY THOMPSON

PETITION OF ANGLIS DELORES
THOMPSON

CONSENT ORDER FOR
FORFEITURE AND SETTLEMENT
AS TO CERTAIN REAL PROPERTY

WHEREAS, on June 13, 2005, the Court entered a preliminary order of forfeiture of property of the defendant, including certain real property located in Cleveland County, North Carolina, as described in a deed recorded at Deed Book 1266, Page 649, in the office of the Cleveland County Register of Deeds (hereinafter sometimes the "subject property"); and,

WHEREAS, on October 28, 2005, the subject property was subsequently identified and more particularly described in a First Final Order and Judgment of Forfeiture filed herein, by reference to the street address of 3201 I Compact School Road in Kings Mountain, Cleveland County, North Carolina; and,

WHEREAS, on August 4, 2006, the Court entered a final judgment in this criminal case as to defendant, incorporating by reference the "preliminary judgment of forfeiture" previously filed on June 13, 2005, which included the subject property; and,

WHEREAS, on or about August 16, 2006, Anglis Delores Thompson (hereinafter "petitioner"), who is or has been identified as defendant's wife, acting *pro se*, submitted a document to the Court which may be treated as a third-party petition under 21 U.S.C. § 853(n)(6) and Fed. R. Crim. P. 32.2(c), asserting an interest in the subject real property; and,

WHEREAS, on or about December 12, 2006, petitioner submitted another document asking the Court to recognize her interest in the subject property, which she identified by the address of "302-2 Compact School Road"; and,

WHEREAS, on December 7, 2007, and January 9, 2008, petitioner filed additional papers seeking relief from forfeiture of the subject property, and the government filed a response setting forth its legal position on October 2, 2007; and,

WHEREAS, the government has objected to petitioner's filed submissions to the Court as untimely and without merit under 21 U.S.C. § 853(n)(6)(A)-(B); and,

WHEREAS, according to the last recorded deed in the office of the Cleveland County Register of Deeds, the subject property at 3201 I Compact School Road is titled in the names of "Anglis Delores Thompson and husband, Robert Anthony Thompson" jointly; and,

WHEREAS, the parties stipulate that there is a legal basis for forfeiture of the defendant property and that this Court has jurisdiction hereof; and,

WHEREAS, the government has determined that its law enforcement objectives in this case can be satisfied by using forfeiture to deprive defendant of his legal interest in the subject property and allowing petitioner to receive and hold title individually; and,

WHEREAS, the government and petitioner have agreed to settle this matter as provided herein;

THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that:

1. The petition is hereby dismissed, with prejudice.
2. The order entered herein by Judge Mullen on October 28, 2005, shall constitute the final judgment of forfeiture as to the subject property and all other assets listed therein, and defendant shall have no right, title or interest in the subject property.
3. Not later than 60 days from the date of filing of this consent order, the government shall quitclaim the subject property to petitioner individually.
4. Each party shall bear its own costs, including any attorneys fees.

Signed this the 27th day of July, 2009.


FRANK D. WHITNEY
UNITED STATES DISTRICT JUDGE

ON MOTION OF AND BY CONSENT OF THE PARTIES:

FOR THE UNITED STATES OF AMERICA:

EDWARD R. RYAN
Acting United States Attorney

By 

WILLIAM A. BRAFFORD
Assistant United States Attorney

Date: 



ANGLIS DELORES THOMPSON
Petitioner

Date: 7-27-09